

REMARKS

Claims 11-20 are pending in the present application. All of these claims stand rejected. The Applicant respectfully requests reconsideration of the rejections of these claims based on the following remarks.

Claims 11-20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fujii et al.* (U.S. Patent No. 5,862,487) in view of *Hansson et al.* (U.S. Patent No. 6,038,223). The Applicants respectfully traverse this rejection for the following reasons.

With respect to independent claims 11 and 18, the Office Action asserts that *Fujii* teaches all of the elements of these claims except for “using the additional information by the space station 4 controlling a transmitting power for a further signaling channels for allocating the requested number of transmission channels to the radio station,” as featured in claim 11, or “an evaluating device . . . for controlling a transmitting power for a further signaling channel for allocating the requested number of transmission channels” as featured in claim 18. Additionally, the Office Action states that *Fujii* does not disclose “signaling, via the radio station, a request for a number of transmission channels for a communication connection in a signaling channel to the base station” as featured in claim 11 and “a transceiver device for receiving a request for a number of transmission channels for a communication connection and a signaling channel” as featured in claim 18. The Office Action asserts, however, that based on either knowledge known in the art and the teachings of *Hansson*, one of ordinary skill in the art would deem these features obvious. The Applicant respectfully disagrees for the following reasons.

Although the present Office Action admits that *Fujii* does not teach using additional information for controlling and transmitting power for a further signaling channel, the Office Action nonetheless asserts that because *Fujii* allegedly teaches that a base station needs a control channel for controlling outgoing and incoming calls wherein the controlled channel contains information of the base stations predetermined transmitting power, it would have been obvious to determine the base station's predetermined transmitting power based on additional information in such a way that the level of the transmitting power must be higher than the measured interference levels so that the selected channels avoid interferences. In support of this allegation, the Office Action references Figure 6 and column 6, lines 12-19 of *Fujii*. This cited disclosure of *Fujii*, however, does not teach or suggest “controlling a transmitting power for a further

signaling channel” using the additional information. Rather, this section merely describes that a control channel containing control data may include information specific to an individual base station, such as transmitting power.

Moreover, the Office Action appears to fail to appreciate the actual claimed feature of “controlling a transmitting power for a further signaling channel” because the rejection merely refers to a base station’s predetermined transmitting power for, presumably, control and traffic channels, not of a “further signaling channel for allocating the requested number of transmission channels to the radio station.” Thus, one of ordinary skill in the art would not receive motivation, regardless of any stated motivation in the Office Action, to control “a transmitting power for a further signaling channel for allocating the requested number of transmission channels to the radio station.” This is because one of ordinary skill in the art, looking at the teachings of *Fujii*, would, in order to avoid interference, merely select a suitable transmission channel from a plurality of possible channels of the bases of the radio field. Thus, the need for power control and, in particular, power control of a second signaling channel, would never arise or even occur to one of ordinary skill in the art looking at *Fujii*. Similarly, with respect to independent claim 18, *Fujii* would not teach or suggest the claimed “evaluating device . . . for controlling a transmitting power for a further signaling channel for allocating the requested number of transmission channels.”

Hansson also fails to teach or suggest the claimed feature discussed above. Accordingly, the Applicant respectfully submits that the cited references either, combined or taken separately, do not teach or suggest all of the elements of claims 11 or 18.

The present Office Action also recognizes that *Fujii* does not teach the claimed “request for a number of transmission channels for a communication connections in a signaling channel to the base station.” Nonetheless, the Office Action alleges that *Hansson* teaches this feature, referencing column 7, lines 23-27 and column 8, lines 20-31 of *Hansson*. However, a close reading of the cited sections reveals that *Hansson* here is merely teaching dynamic allocation of one or more polling data channels PDCHs 62 and 63 depending on a quantity of data to be sent and a procedure for initiating data transfer. Thus, the teaching relied upon in the present Office Action does not actually teach the claim features that the Office Action asserts it does; namely *Hansson* does not specifically teach or suggest a request for a number of transmission channels

for a communication connection and a signaling channel to a base station. Accordingly, the Applicant respectfully submits that the cited references fail to teach or suggest this features element of claim 11 and the corresponding "transceiver device for receiving a request for a number of transmission channels for a communication connection in a signaling channel" as featured in claim 18.

Additionally, *Fujii* does not teach or suggest a CDMA subscriber separation. The codes taught by *Fujii* serve to designate a base station and are not in any way used for CDMA communication in which an individual CDMA code is assigned to each subscriber for encrypted data communication as featured in the preambles of both claims 11 and 18. Although the Applicants recognize that the elements of a preamble do not normally define claimed subject matter, this nonetheless evidences that one of ordinary skill in art would not look at *Fujii* as either anticipating or making obvious the features of claims 11 and 18. Additionally, *Hansson* further does not teach or suggest a CDMA subscriber separation method.

In light of the above comments, the Applicant respectfully submit that the cited prior art of record does not teach or suggest all of the elements of claims 11 or 18.

With respect to dependent claims 12-17 and 19-20, which depend respectively on independent claims 11 and 18, these claims are believed to be allowable on their merits and at least for the reasons presented above.

In light of the foregoing comments, the Applicants respectfully submit that the application is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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